

Remarks/Arguments

This paper is submitted responsive to the Office Action mailed February 12, 2008. Reconsideration of the application in light of the accompanying remarks and amendments is respectfully requested.

The application as currently pending contains independent claims 1 and 25. Former independent claim 15 and its dependent claims have been cancelled without prejudice, and the Applicant reserves the right to file a continuation application pursuing these claims.

Turning to claims 1 and 25, the Examiner rejected these claims under 35 USC 103(a) as being unpatentable over Salazar et al. (US 5,774,841) in view of ESI Engineering Publication.

Reconsideration of this rejection is respectfully requested. It is noted that the Examiner asserts that Salazar teaches that the control module is located "far away" from the controlled system 30 or external system 40 in Figure 1. The Examiner points to communication paths 53 and 54 and also refers to Figure 2 and states that the control module or computer system is located "far away" from the robotic system 75 as indicated by the communication path 13.

Initially, it is pointed out that the communication paths 53, 54 and 13 shown in Salazar do not in any way convey any sense of distance whatsoever. These paths could be as short as 1 millimeter or as long as several miles, and no disclosure whatsoever in this regard is provided. Thus, Salazar teaches these components are in communication with each other and only that these components are in communication with each other. There is absolutely and virtually, totally and completely no discussion whatsoever of distance between these components in Salazar. For the Examiner to insinuate that these documents are

shown as being "far away" from each other, is totally unsupported by the prior art documents of record.

Further, it is noted that the claims call for a control module to be positioned outside of the noise zone of the components. Nothing in Salazar deals with such a noise zone, or any positioning relative to such a noise zone.

The Examiner concedes that Salazar does not disclose the noise zone, the sixty decibel threshold of the present invention, or positioning of the control module outside of the noise zone. The Examiner asserts that the ESI Engineering document teaches this. However, the ESI Engineering document is totally silent as it relates to anything other than that HVAC components make noise. To suggest that a person skilled in the art would be lead by Salazar and ESI Engineering to position a control module outside of a specific noise zone of an HVAC component is totally unsupported by the actual teachings of Salazar and ESI Engineering. Should the Examiner believe this to be a supported rejection, the Examiner is respectfully requested to specifically point to any teaching of the prior art of the sixty decibel or greater noise zone, and positioning of the control module outside of this noise zone.

Based upon the forgoing, it is clear that the subject matter of claims 1 and 25 is not at all disclosed or suggested by Salazar and ESI Engineering, and these claims are submitted to be allowable over all art of record.

Dependent claims 2 and 3 are drawn more specifically to the mode of communication between the control module and the receiver, and claim 3 calls for this communication to be wireless. The Examiner has rejected these claims in view of Salazar and "official notice". The Examiner acknowledges that Salazar does not disclose the wireless communication between

these components but then states that there is apparently wireless communication in Salazar between module 1 and module 2 in Figure 6. Of course, these components have nothing to do with the wireless communication which is actually claimed in claims 1 and 25. Thus, the Examiner appears to be holding that since wireless communication exists, it is obvious in connection with claims 2 and 3. It is noted, however, that the wireless communication called for in claims 2 and 3 is drawn specifically to the point of novelty of the present invention, and that this wireless communication is therefore not just any wireless communication taught to be possible between any random components, but specifically wireless communication between two specific components in a manner which overcomes a problem identified and solved by the present invention, and that this problem and its solution are totally absent from any teaching in any art of record.

Based upon the foregoing, dependent claims 2 and 3 are patentable over the art of record based upon both the arguments in support of claim 1 above as well as the arguments supporting these claims individually.

Dependent claims 4-14 all depend directly or indirectly from claim 1 and are submitted to be allowable based upon this dependency.

An earnest and thorough effort has been made by the undersigned to address all issued raised in the Office Action and place this application in condition for allowance. If the Examiner, upon consideration of this response, considers that any issues remain, the Examiner is invited to telephone the undersigned to discuss and resolve these issues.

This paper is accompanied by a request for a one month extension of time and authorization to charge a deposit account

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in connection with this fee. It is believed that no additional fees are due in connection with this paper. If any such fees are due, please charge same to deposit account number 03-0835.

Respectfully submitted,
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